

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

Bradley Pennington,) C/A No. 9:15-cv-03354-DCC
vs.)
Plaintiff,)
Defendants.) ORDER
Cherokee County, Southern Health Partners, Jamor)
Logan,)
Defendants.)

ORDER

This matter is before the Court on Plaintiff's Complaint and Amended Complaint alleging violations of his civil rights pursuant to 42 U.S.C. § 1983 and various state law claims. ECF Nos. 1, 20. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), (D.S.C.), this matter was referred to United States Magistrate Judge Bristow Marchant for pre-trial proceedings. Defendants Cherokee County and Jamor Logan initially filed a Motion for Summary Judgment on May 30, 2017. ECF No. 51. After a Response in Opposition and a Reply were filed, the Magistrate issued a Report and Recommendation ("Report") recommending that the Motion be granted, that Defendants Cherokee County and Logan be dismissed from the action, that Plaintiff's second and third causes of action be dismissed, and that Plaintiff's remaining state law claims be remanded. ECF No. 58. Plaintiff filed objections, and the Honorable Mary Geiger Lewis, United States District Judge for the District of South Carolina, vacated the Report, dismissed the Motion for Summary Judgment without prejudice, and remanded the matter for additional consideration and briefing. ECF Nos. 59, 63.

On November 22, 2017, Defendants Cherokee County and Logan filed a second Motion for

Summary Judgment. ECF No. 69. Plaintiff filed a Response in Opposition, ECF No. 77, and Defendants Cherokee County and Logan filed a Reply, ECF No. 78. This Motion is now ripe for resolution. On March 22, 2018, the Magistrate Judge issued a Report recommending that the Motion be granted with respect to Plaintiff's second and third causes of action and that Plaintiff's first and fourth causes of action, alleging only state law claims, should be remanded to state court. ECF No. 79. The Magistrate Judge advised Plaintiff and his counsel of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. Plaintiff has filed no objections, and the time to do so has passed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See U.S.C. § 636(b)*. The Court will review the Report only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

After considering the record in this case, the applicable law, and the Report of the Magistrate Judge, the Court finds no clear error and agrees with the Report's recommendation. Accordingly, the Court adopts the Report by reference in this Order. Defendants Cherokee County and Logan's

Motion for Summary Judgment is granted with respect to Plaintiff's second and third cause of action and these claims are dismissed. Plaintiff's first and fourth causes of action are remanded to state court for disposition.

IT IS SO ORDERED.

s/ Donald C. Coggins, Jr.
United States District Judge

April 6, 2018
Spartanburg, South Carolina